

1
2
3 IN THE UNITED STATES BANKRUPTCY COURT
4 FOR THE DISTRICT OF ARIZONA

5 In Re:

In Proceedings Under Chapter 13

6 ALBERT POTTER

Case No. 2:20-bk-01823-EPB

7 Debtor(s)

DISMISSAL ORDER

8
9 **DKT: 89 DATE: 10/11/2023**

10 It having been shown to the Court that the debtor(s) has/have failed to comply with
11 the Court requirement concerning:

12 Failure to Submit Plan payments as required by the Trustee's Motion to Dismiss,
13 dated 10/11/2023, Docket #89. As of the date of this Dismissal Order, the debtor(s)
14 Plan payments are delinquent \$12,404.83 and the Trustee notes that no Motions to
15 Extend appear on the Court's Docket.
16

17
18 **NOW, THEREFORE, IT IS ORDERED:**
19

20
21 (A) This case is dismissed and the Clerk of the Court will give notice of the dismissal to all
22 creditors;

23 (B) A motion to reinstate the case may be granted without a hearing if the Trustee approves the
24 proposed Reinstatement Order. If the Trustee does not approve reinstatement of the case, the
25 matter may be set for hearing upon the debtor(s') motion. The Court may set a hearing on the
26 debtor(s') motion to reinstate on the request of an interested party who had joined the
27 Trustee's request for dismissal;
28

1 (C) Pursuant to 28 U.S.C. §586(e)(2), the Trustee shall be paid his percentage fee from all
2 payments received from the debtor(s);

3 (D) After payment of the Trustee's percentage fee, the Trustee will retain the debtor(s') funds
4 pending Court approval of the payment of administrative expenses of the debtor(s')
5 Attorney. If the debtor(s') Chapter 13 Plan contained an Application for the Payment of
6 Administrative Expenses to the debtor(s') Attorney and no party filed an objection to the
7 Application, then the debtor(s') Attorney may lodge an Order approving the Application
8 within ten days after the Court enters this Dismissal Order. Alternatively, the debtor(s')
9 Attorney has ten days from the Court entering this Dismissal Order to file a separate fee
10 application;
11

12 (E) If the Court previously entered a Payroll Deduction Order on one or both of the debtor(s')
13 wages, then the Court vacates that Order; and
14

15 (F) Except as may be stated herein, all pending adversary proceedings, contested matters, and
16 administrative hearings to this case are vacated.
17

18
19 **ORDER SIGNED AND DATED ABOVE**
20
21
22
23
24
25
26
27
28